




# Overview of the Act


## Bilingual Services Program June 2006









# Introductions










# Background

- ◆ **Act Adopted in 1973**
- ◆ **Specific requirements for State Departments to provide access to resources and services for Non-English Speaking/Limited English Speaking Persons (LEP)**










# 2002 Legislation Related to the Act

## AB 3000 (Budget Trailer Bill)

### Revisions of the Act










# Review of the Act

## Sections 1250 – 1259.6 (State Agencies)








# Guidelines for Bilingual Services

## Act



## 2002 Legislation Related to the Act

- AB 3000 (Budget Trailer Bill)
- Revision of the Act



## Review of the Act: Sections 7290 – 7299.8 (State Agencies)



## Section 7290

Identifies  
*Dymally-Alatorre Bilingual Services Act*



## Section 7291

### Intent:

**"To provide for effective communication between all levels of government in this state and the people who are precluded from utilizing public services because of language barriers"**



## Section 7292

- Provides definition of State Agency (Section 11000)
- Excludes State Compensation Insurance Fund

**Defines activity of State Agency as:**  
**"directly involved in the furnishing of information or the rendering of services to the public"**



## Section 7292 (Cont'd)

### The Act states that every State Agency:

**"shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the Non-English-Speaking Persons"**



## Section 7295

### Translation of Documents

- **Materials explaining services**
- **Notice of the availability of materials explaining services (orally or in writing)**

## Section 7295.4

If a State Agency meets the factors listed (A and C, or B and C), it is required to distribute applicable written materials in the appropriate Non-English language through local offices/facilities.



## Section 7295.4 (Cont'd)

State Agencies with:

- **Factor A:**  
Written materials (forms, applications, questionnaires, letters or notices) solicits or requires information from an individual or provides information, and
- **Factor C:**  
Serves a substantial number of LEP.



### Section 7295.4 (Cont'd)

State Agencies with:

- **Factor B:**

Solicits, requires, or furnishes  
information that affects individual's  
rights, duties or privileges (services or  
benefits)

and

- **Factor C:**

Serves a substantial number of LEP.



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### Section 7295.4 (Cont'd)

As an alternative the State Agency can  
elect to furnish the following:

- Translation Guides
- Translation Aids
- Provide Assistance

to complete or understand English  
forms, questionnaires, letters or  
notices.



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### Section 7296

**Provides Definition:**

**Bilingual Person**

**"Is a person who is proficient in  
both the English language and the  
foreign language to be used"  
(Certified/Tested)**



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## Section 7296.2

### Defines Substantial Number of Non-English Speaking People

- Members of a group who either do not speak or communicate in English
- and
- Who comprise 5 % or more of people served by any state office.




## Section 7296.4

### Provides Definition:

**Sufficient number of qualified bilingual persons in public contact positions**

**"Is the number required to provide the same level of services to Non-English speaking people as is available to English-speaking persons seeking services"**




## Section 7296.4 (Cont'd)

**The Act applies to any Local State Office or Facility that employs the equivalent of 25 or fewer regular, full-time employees.**




## Section 7297

Provides Definition:

### Public Contact Position

"Is a position determined by the agency to be one which emphasizes the ability to meet, contact, and deal with the public in the performance of the agency's functions."



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## Section 7299.2

### Responsibilities of the State Personnel Board:

- Informing State Agencies of responsibilities
- Providing State Agencies with technical assistance, (on a reimbursable basis).



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## Section 7299.4

### Language Survey and Implementation Plan



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### Section 7299.4 (a)

Each State Agency Shall:

- Conduct an Assessment, and
- Develop/Update an Implementation Plan



### Section 7299.4 (b)

**Each Agency shall conduct a  
survey of its Local Offices  
every 2 years  
to determine all of the following:**



### Section 7299.4 (b) (Cont'd)

- (1) Number of Public Contact Positions
- (2) Number of Bilingual Employees in public contact positions (Language Spoken)
- (3) Number/Percentage of LEP people served by local office (native language)



**Section 7299.4 (b) (Cont'd)**

- (4) Number of anticipated vacancies in Public Contact Positions**
- (5) Whether use of other available options (telephone based interpretation services/bilingual persons in public contact positions) is serving language needs**
- (6) List of written materials to be translated or made accessible**



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**Section 7299.4 (b) (Cont'd)**

- (7) A List of Materials Identified in (5) that have been translated indicating translated language**
- (8) Number of additional bilingual public contact staff needed**
- (9) Any other relevant information needed by SPB**



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**Section 7299.4 (c)**

**Each Agency shall calculate the percentage of Non-English speaking people served by *rounding the percentage to nearest whole percentage point.***



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**Section 7299.4 (c) (Cont'd)**

**Survey Due: March 31, of every even-numbered year**

**(NOTE: 2007-2008 Survey due 3/31/2008)**



Section 7299.4 (b) (Cont'd)

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**Section 7299.4 (d)**

**Implementation Plan:**

**Beginning in 2003 and in every even-numbered year thereafter, each state agency shall develop an implementation plan that addresses:**



Section 7299.4 (b) (Cont'd)

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**Section 7299.4 (d) (Cont'd)**

- (1) Name, Position, and Contact Information of employee to oversee plan**
- (2) Procedures for identifying written materials to be translated**
- (3) Procedures for identifying language needs and assigning qualified bilingual staff in Local Offices**



Section 7299.4 (c)

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**Section 7299.4 (d) (Cont'd)**

- (4) **Description of how the agency recruits qualified bilingual staff**
- (5) **Description of any training the agency provides to its staff on provision of services to Non-English speaking people**



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**Section 7299.4 (d) (Cont'd)**

**(6) Deficiency**

**Detailed description of how agency plans to address deficiency:**

- **Failure to translate written materials or employ sufficient number of qualified bilingual employees in public contact positions**
- **Proposed action to address deficiency**
- **Proposed dates of deficiency remedy**



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**Section 7299.4 (d) (Cont'd)**

- (7) **Description of agency's procedures for accepting and resolving complaints**
- (8) **Description of how the agency complies with federal or other state laws**
- (9) **Any other relevant information needed by SPB**



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**Section 7299.4 (e) (Cont'd)**

**Each State Agency may rely upon data gathered from its 2005-2006 Survey to develop their 2006 Implementation Plan.**



**Section 7299.4 (f)**

**Each State Agency shall submit its Plan to SPB no later than October 1<sup>st</sup> of each applicable year.**

**(NOTE: 2006 Implementation Plan due 10/1/2006)**



**Section 7299.4 (f) (Cont'd)**

**SPB Reviews**

- **If Plan fails to address deficiencies, SPB will request additional information or changes**
- **If deficient, State Agency will report to SPB every 6 months on progress to address identified deficiencies.**



**Section 7299.4 (g)**

**If an Agency is *not* making reasonable progress toward compliance, orders may be issued by SPB to ensure compliance.**



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**Section 7299.5**

**The State Personnel Board *may* grant exemption to State Agencies from the requirements of the Language Survey/Implementation Plan.**



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**Section 7299.5 (Cont'd)**

**If any of the following conditions exist, as determined by SPB, an exemption may be granted:**

**Agency does not furnish information/ render services to the public**

**Agency has limited public contact with the Non-English speaking public: has been required to employ bilingual staff**



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### Section 7299.5 (Cont'd)

**To Receive an Exemption, Each State Agency Must:**

- ◆ Annually petition the SPB for the Exemption and Receive Approval in Writing



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### Section 7299.5 (Continued)

**An Agency may not Receive an Exemption for More than Three Consecutive Years**



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### Section 7299.6

**SPB shall:**

- Review the Results of the Surveys and Implementation Plans,
- Compile This Data, and
- Provide a Report to the Legislature Every 2 Years



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### Section 7299.6 (Cont'd)

#### SPB Report to the Legislature:

- Identifies Significant Problems/Deficiencies and
- Proposed Solutions (If Needed)



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### Section 7299.8

#### Legislature Intent:

- There may be bilingual positions, printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak/communicate English.
- Not all public contact positions are required to be filled with bilingual persons.



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### Statewide Bilingual Services Program Team

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## QUESTIONS AND ANSWERS



